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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twelfth session

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 2 May 1995, at 3 p.m.

Chairperson: Mr. ALSTON

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GE.95-16338 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS (agenda item 6) (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT

Republic of Korea (continued) (E/1990/5/Add.19; E/C.12/1994/WP.11)

1. At the invitation of the Chairperson, Mr. Seung Ho (Republic of Korea) resumed his place at the Committee table.

2. Mr. Seung HO (Republic of Korea) said, in reply to matters raised at the previous meeting by Mrs. Jimenez Butragueño, that according to the 1992 census, the population of his country comprised 21.9 million males and 21.6 million females.

3. With regard to changes in domestic legislation since the Republic of Korea's accession to the Covenant, since January 1990 amendments and new legislation had been enacted in 15 areas. They included revisions to the Civil Code in relation to the family, the enactment of child protection legislation in 1991, a new law concerning the comfort women of the Second World War, and an act prescribing penalties for sexual assault, crime and providing for the protection of victims. In 1994 new provisions had been introduced concerning the status of women. In the same year, a law on State public officials had been enacted governing the duties and responsibilities of government officials. The inheritance tax laws had also been amended. Amendments had been introduced into the agriculture, fisheries and forestry cooperative laws, making women eligible to participate in or become members of cooperatives. Legislation had also been promulgated in 1994 to prevent prostitution. In March 1995 the electoral laws had been amended to eliminate any irregularities. Legislation on unemployment and the payment of unemployment benefit had been introduced in 1993. Lastly, new environmental preservation laws had been enacted in 1994.

4. The CHAIRPERSON invited the delegation to reply to issue No. 4 of the list of issues (E/C.12/1994/WP.11).

5. Mr. Seung HO (Republic of Korea) said that article 2, paragraph 1, of the Constitution set out the fundamental principles of equality by stipulating that all citizens should be equal before the law and that there should be no discrimination in political, social or cultural life on account of sex, religion or social status. The references to sex, religion and social status should be interpreted merely as examples of the various areas for which non-discrimination was guaranteed. Therefore, discrimination in those areas, in respect of economic, social and cultural rights, was also strictly prohibited in accordance with the principle of equality enshrined in the Constitution and other relevant laws. Also, in view of the high level of human rights violations arising from racial discrimination throughout the world, the Republic of Korea had acceded in December 1978 to the International Covenant on the Elimination of All Forms of Racial Discrimination.

6. The human rights and fundamental freedoms of foreigners in the Republic of Korea were also fully guaranteed and protected under the Constitution and other relevant laws. Other rights, as stated in article 6, paragraph 2, of the Constitution, were also guaranteed under the principle of equality and reciprocity as prescribed by international law.

7. Mr. AHMED asked what kind of legislation existed in the Republic of Korea to protect foreign workers and whether there was any special kind of legislation governing the entry and exit of foreign workers, as opposed to trainees. He also asked how many foreign workers were in the country at the present time and whether any specific legislative provisions covering such matters as recruitment, dismissal and compensation for occupational injury existed for them.

8. Mr. Seung HO (Republic of Korea) said that there were estimated to be some 87,000 foreign workers in his country as of February 1995. Of those, 5,440 were lawfully engaged in technical work with employment visas, while 52,000 were undocumented. In addition, there were 29,500 foreign industrial trainees holding trainee visas, who were working under a cooperation programme for developing countries.

9. Since article 5 of the Labour Standards Act stated that employers should not discriminate against workers on the grounds of sex, religion or social status, his Government considered that there was no need to enact specific legislation on discrimination against foreign workers. It had, however, recently extended compensation benefits for industrial accidents to undocumented foreign workers, and provisions had been introduced to safeguard the labour rights of those workers and prevent the late payment of wages and other unfavourable treatment.

10. Foreign industrial trainees had not been subjected to discrimination of any kind. In order to secure better working conditions for them, the Government had made efforts to ensure their protection in respect of legal working hours, minimum wages and medical and industrial accident insurance.

11. There was no special legislation governing the entry and exit of foreign workers, as the existing provisions were thought to be adequate.

12. Mr. GRISSA said that habits and traditions tended to persist, despite anti-discrimination laws. According to information received, women in the Republic of Korea were frequently forced to give up their jobs on marriage or the birth of their first child. Available statistics also showed that although women accounted for 40 per cent of the total workforce, they accounted for less than 40 per cent of trade union membership and were slower to join trade unions than men. He therefore wondered what recourse women had against traditional attitudes and in particular whether a woman could sue her employer for being forced to leave her work because she was pregnant and whether, as a result, she was able to keep her job.

13. Mr. Seung HO (Republic of Korea) acknowledged that there were problems in his country resulting from established habits and traditions. Certainly, in the past some private companies had been known to dismiss women because of

marriage or the birth of a child, but the Government hoped that the neww and strict legislation which had been introduced would put an end to that practice.

14. To the best of his knowledge, there was no discrimination in respect of the salaries paid to men and women performing the same work, and there were opportunities in law to secure fair and equal treatment.

15. Mrs. JIMENEZ BUTRAGUEÑO asked whether any progress had been noted since the incorporation of provisions governing family responsibilities in the Civil Code. For example did women still need the permission of their husbands to acquire or to dispose of property, to have bank accounts, to buy and to sell? She also wondered whether there was any discrimination between the sexes under the Criminal Code, for example, in cases of adultery, and whether there was any discrimination in jurisprudence. As women's education was frequently not taken to the same level as men's education, she wondered what positive measures the Republic of Korea had taken to encourage the education of women and to eliminate discrimination against women in other spheres. Reports by non-governmental organizations (NGOs) indicated that women had to pay inheritance taxes whereas men did not, and she wondered whether there were any plans to eliminate discrimination in that area.

16. Mr. RATTRAY, referring to the statement by the representative of the Republic of Korea to the effect that all citizens were equal before the law, said that if that was the only such provision in the Constitution, it would relate only to nationals. He therefore wondered whether there were any provisions in the Constitution which guaranteed non-discrimination for non-nationals and whether in practical terms the use of foreign workers was a way of practising discrimination by avoiding the increasing number of employers' obligations.

17. Mr. TEXIER said that according to information received, people working illegally in the Republic of Korea often encountered difficulties in matters such as industrial accidents when they were not in a position to exercise their rights, and were often expelled. Even illegal workers should have certain rights in labour legislation. Information had also been received that workers who had complied with the administrative and legal formalities still had difficulties in bringing their families into the country for the duration of their engagement. He wondered whether there was any truth in those reports.

18. Mr. WIMER ZAMBRANO, referring to the reply given at the Committee's 3rd meeting that arithmetical averages might be responsible for conveying the impression that there was discrimination against women, thought that the very existence of those averages was in itself proof of discrimination. Although legislation had been enacted to end such discrimination, there was nevertheless a certain degree of historical discrimination which the Committee was trying to eliminate and which could and should be eliminated through the courts.

19. Ms. TAYA said that according to her information, despite recent legislation there was widespread discrimination against women in the matter of

recruitment, particularly in businesses such as banks. She therefore wondered whether any judicial remedies were available to women discriminated against in that regard.

20. Mr. AHMED said that he had been informed that certain categories of employees such as teachers and police or army officers were not allowed to form trade unions or belong to syndicates like other categories of workers. He wondered whether that was true, and, if so, would like to know the reasons.

21. Mr. Seung HO (Republic of Korea) said it was useful to bear in mind the special traditional family values that prevailed in the Republic of Korea. While he did not dispute the concepts of rights and the general principle of equality, he wondered whether making a clear distinction between the rights and obligations of various family members would enhance the status of women.

22. There was no legislation barring women from holding bank accounts. Women were free to have accounts and no approval or permission from a male family member was required. The reluctance of women to do so was due to the fact that in the Republic of Korea, the family's resources were always pooled, without strict divisions of income. It would be more appropriate to ask how many women in the Republic of Korea wanted separate bank accounts. It was a question of traditional values and not a matter of rights and obligations.

23. The punishment of adulterers was based on a suit brought by the victim in a court of law. The legal system gave more protection to women than men in cases of adultery. Much serious discussion had taken place on the concept of adultery as a crime punishable by law and on whether the law could make decisions in such private matters.

24. Primary education was compulsory and free for six years and almost 100 per cent of school-age children were enrolled. In certain parts of the country, for example, in the remote island areas, where it was difficult to provide transportation and other benefits of modern society, even more favourable treatment was granted. In those areas, children received nine years of free education. The goal of his Government was to provide nine years of free, compulsory education. There was no discrimination on the basis of sex at any level of education but he did not deny that although the numbers of men and women were almost equal, the proportion of men and women at the university level was not necessarily equal. The decision as to which child went on to further education was made within the family and depended on the status of the family and its capacity to meet educational costs.

25. None of the country's legal provisions could be interpreted as discriminatory. There were limits to the extent of government intervention in all aspects of the country's economic life. A free market system existed and it was therefore up to the companies' own sense of responsibility, obligation and justice to determine their employment practices. The Government asked companies to conform to international standards protecting the rights of women.

26. Mr. GRISSA inquired whether companies were so free in the application of the law that they were free to break the law.

27. Mr. ADEKUOYE asked if, as in Africa, women had the right to have joint accounts with their husbands.

28. Mr. Seung HO (Republic of Korea), replying to Mr. Grissa, said neither public nor private entities had the right to break the law. There was no discrimination on the basis of sex, religion or other considerations as far as the law was concerned. It might happen, however, without violating any provisions in law that a particular company preferred to employ a man rather than a woman. He asked for the Committee's understanding of his Government's position. He reiterated that there were no restrictions or limitations on holding bank accounts.

29. The CHAIRPERSON said the Government could ensure that there was no discriminatory legislation and suggested that perhaps consistently discriminatory banking practices did exist.

30. Mr. Seung HO (Republic of Korea) said, to the best of his knowledge, there were absolutely no such practices.

31. Mrs. BONOAN-DANDAN said there was a cultural context in which discrimination against women should be seen and any Government that did not face the issue squarely was deluding itself. She would like to know exactly what the Government of the Republic of Korea was doing to counteract the acceptance of discriminatory practices and to establish the dignity of women. She also asked what laws had been passed to inform women of their rights and what educational structures existed to help to eradicate the centuries-old discrimination against women.

32. Mr. Seung HO (Republic of Korea), completing his answer to an earlier question on inheritance, said that recent amendments to the law had enabled women to inherit property and made for a significant improvement in the status of women in the Republic of Korea.

33. The enhancement of the status of women in society was a very important and sensitive issue and the Government was trying to improve their situation in those areas where it was felt that there was still room for improvement. The Government had conducted media campaigns, seminars and workshops to address the problem.

34. There were a number of historical reasons for the past discrimination against women but the situation had changed. The country was accommodating itself to the changing values that governed relationships and many of the positive and valuable proposals advocated and promoted by institutions, international organizations and NGOs were being adopted, thus helping the country to reach certain standards acceptable to the international community.

35. Mrs. BONOAN-DANDAN said she was interested in knowing what measures the Government had taken to combat discrimination and suggested that if the representative of the Republic of Korea did not have the facts readily available he might respond the following day.

36. Mrs. JIMENEZ BUTRAGUEÑO asked what was needed for women to achieve equality and what discrimination women in the Republic of Korea still

suffered. She asked what was being done to provide protection for victims of marital violence and what positive action the Government was taking to avoid such occurrences. Had the Government conducted press campaigns or used the education system to solve the problem? It was not enough to say that certain practices reflected the customs of a country. She cited the example of Spain and the progress it had made in this area.

37. Mr. ALVAREZ VITA said that he would like the representative of the Republic of Korea to indicate whether those factors that could be described as cultural factors contained religious factors and whether the differences that arose stemmed from the religious beliefs practised in his country. It was of course true that discrimination against women existed in many countries. However, it had to be recognized that in many cases religious beliefs perpetuated such discrimination. Was that the case in the Republic of Korea?

38. Mr. Seung HO (Republic of Korea) said the Republic of Korea was striving to attain international standards and that while there were no specific laws governing specific cases, the Constitution guaranteed equality to all. Many cases of discrimination derived from traditional and cultural aspects of family life and were entirely incompatible with his country's legislation.

39. Replying to the question by Mr. Alvarez Vita, he said that Christianity was the dominant religion practised by nationals of the Republic of Korea and, as far as he was aware, there was no discrimination within the tenets of Buddhism or any of the other religious denominations in the country.

40. Mr. ALVAREZ VITA pointed out that he had asked not whether religious discrimination existed, but whether the discrimination that existed was the product of religion.

41. Mrs. BONOAN-DANDAN expressed dissatisfaction with the answers that had been provided by the delegation. More facts were required.

42. Mr. TEXIER, noting that he had raised issues relating to foreign or migrant workers to which he had received no answer, said that only two articles of the Covenant had been covered in the course of the day. He urged greater precision in framing both questions and answers.

43. Mr. GRISSA said that no country was immune from discrimination. Bearing in mind that the Committee had other sources of information available to it, he stressed that its main concern was to learn what progress was being made to eliminate such discrimination as existed. He wished to know, for example, what institutions were being created to enable individuals to ensure that their rights would prevail.

44. The CHAIRPERSON reminded the delegation of the Republic of Korea that, while the Committee appreciated the answers relating to general trends within the country, it had to carry out its legal obligation to inquire into specific policies and practices that might help to eliminate any behaviour that ran counter to the provisions of the Covenant.

45. Mr. Seung HO (Republic of Korea) asked whether he might reply to the written questions posed by the Committee. He could then deal with any additional questions that might arise.

46. The CHAIRPERSON suggested that the delegation should reflect on the specific issues that had been raised and provide more detailed answers the next day. Meanwhile he invited the representative of the Republic of Korea to respond to issues Nos. 5-8, relating to articles 6 and 7 of the Covenant.

47. Mr. Seung HO (Republic of Korea) said that no legislation prescribed a uniform age of retirement. The Aged Employment Promotion Act suggested 60 as the retirement age and employers were discouraged from enforcing retirement at a significantly lower age. Moreover, under the Gender Equal Employment Act of 1988, there was no sexual discrimination with respect to the age of retirement. At most workplaces the retirement age was between 55 and 57. In some occupations, however, there was a set retirement age, such as that for teachers (65) and the judiciary (61-70). Many workers wished to continue working beyond retirement age for economic or social reasons. Thus 4.8 per cent of employees in workplaces employing more than 5 people were over 55 years of age. The process was facilitated by the Aged Employment Promotion Act and by the employment insurance system, due to come into effect on 1 July 1995, under which enterprises with more than 6 per cent of aged employees would be entitled to incentive grants.

48. With regard to article 7, he said that firms with fewer than nine employees were currently exempt from the application of the Minimum Wage Act. The Act aimed, however, at reducing that number to five employees. Seamen, who were subject to the Seaman Act, were also exempt. The minimum wage system - the scope of which would be extended as economic capacity allowed - enabled the Government to intervene in the wage determination of workers liable to receive unjustifiably low wages. The level of the minimum wage, which was determined every year by the tripartite Minimum Wage Council, was set for 1 September; from September 1994 to August 1995 the monthly minimum wage was about $340.

49. With regard to sexual discrimination at the workplace, he said that penal provisions had been reinforced to combat any such discrimination. Significant improvements had been made in that regard by leading financial enterprises and other companies. The Government planned to introduce further measures to reduce disparities based on sex, initially applying to enterprises with over 300 employees by the end of 1994, but to be extended to those with over 100 employees by 1997. The average wage of female workers in 1993 amounted to 56.5 per cent of that of male workers, an increase from 52 per cent in 1988. The main factor in that disparity was that a significant number of female workers belonged to job categories in which lower wages were paid, requiring lower levels of education. No court cases had been brought to enforce non-discrimination.

50. On the question of labour inspectors, he said that at the end of 1994 there had been 865 such inspectors, of whom 304 were in charge of monitoring industrial safety. Each inspector was responsible for some 200 workplaces. The workload had increased significantly with greater industrialization and the Government was considering increasing the number of inspectors.

In 1993 48,251 cases of infringement had been reported, of which 33,962 had been resolved administratively and the rest through the courts. Of the 43,583 cases of illegal violations, nearly all were violations of the Labour Standards Act.

51. Mr. GRISSA noted that, according to the country's initial report (E/1990/5/Add.19, para. 54), an employer with a business employing 10 or more regular workers had to pay the minimum wage. A large proportion of the labour force was, however, employed in businesses with fewer than 10 employees. He wanted to know what rules applied to those workers and what guarantee there could be that enterprises would not deliberately keep their numbers down in order to avoid paying the minimum wage.

52. Mrs. JIMENEZ BUTRAGUEÑO asked whether there was an obligatory retirement age or whether workers could continue as long as they or the enterprise wished. Secondly, she wondered whether they were entitled to receive a pension while continuing to work. She hoped that that was the case, since she did not believe that people should be obliged to retire.

53. Mr. TEXIER wished to know about staff representation: whether it existed at all, whether it was required to exist by law and in what form. Did, for example, staff have a say in the running of the company? Secondly, with regard to health and safety at work, he asked how accidents at work were prevented, whether there was specific legislation in that domain and, if so, whether it differed from sector to sector. He wished to know whether there were campaigns to draw employers' attention to such matters, whether any form of sanctions applied and how criminal liability was established. As a judge dealing with labour legislation, he had a particular concern in the subject.

54. Mrs. JIMENEZ BUTRAGUEÑO, supporting Mr. Texier's remarks, quoted the case of a student in temporary employment who had had an accident in 1994 and lost the use of his hands. It was a sad case of a young man who had no hope of future employment.

55. Mr. CEAUSU pointed out that, according to the Committee's past practice, delegations had listened to the questions on the first day of their appearance before the Committee and had provided detailed answers the following day, unless an expert on a particular subject happened to be present. One representative should not attempt to answer all the questions. He suggested that the delegation of the Republic of Korea should give the questions due consideration and postpone some of their replies until the next day.

56. Mr. WIMER ZAMBRANO pointed out that in its more recent sessions the Committee had preferred to encourage spontaneous replies, because the process of postponing replies had become complicated and some had got lost. Flexibility was the key, however: obviously, if a delegation was unable to answer immediately, it should wait to do so until the following day.

57. The CHAIRPERSON invited the delegation to respond to matters raised in issues Nos. 9 to 13 of the list of issues.

58. Mr. Seung HO (Republic of Korea), referring to article 8 of the Covenant on the right of association, and specifically to issue No. 9 regarding his

Government's intention to ratify any further International Labour Organization (ILO) conventions, especially those relating to freedom of association and labour rights, said that his Government was considering the ratification in 1995 of Conventions Nos. 19 (on equality of treatment), 45 (on underground work) and 138 (on the minimum age), and the early ratification also of Convention No. 29 (on forced labour). It had already ratified the Human Resources Development Convention (No. 142) in 1994.

59. Concerning issue No. 10 and the suggestion that the Republic of Korea's labour laws and its trade union restrictions were incompatible with article 8 and with ILO principles of freedom of association (paras. 96-99 of the report), he pointed out that all employees of public utilities and the defence industry were, in fact, permitted to form or join trade unions, as were any public officials actually engaged in physical labour. Other public officials and teachers, however, were indeed barred from doing so under the Trade Union Act and the Civil Service Act. As stipulated in article 37, paragraph 2, of the Constitution, freedoms and rights could be restricted by law when necessary for national security, the maintenance of public order or the public welfare. Any such restrictions were unlikely to go beyond the narrow range of exceptions provided for in article 8 of the Covenant. However, responding to domestic criticism and ILO advice, the Government was studying the possibility of amending the legislation regulating the right of public officials and teachers to organize.

60. As to issue No. 11 concerning the dismissal of teachers who had attempted to form a trade union and the total number of workers dismissed for union-related activities, the figure of 33,000 put forward by the Korea Trade Union Congress was unfounded. Remedies were available to dismissed union members: they could apply for relief from the Labour Relations Commission under the Trade Union Act or bring a civil suit in accordance with the Code of Civil Procedure. The Labour Relations Commission had in fact accepted almost 1,000 unfair labour practice applications involving about 1,500 workers between 1991 and 1993, and had ruled favourably on approximately 170 of those cases.

61. Regarding the dismissed teachers specifically, the current Government had been holding talks with the Korean Teachers and Educational Worker's Union about their reinstatement, and as of April 1995, only 22 of the approximately 1,500 dismissed had not been restored to their teaching posts owing to continued involvement in union activities, while about 100 others had found other work. The Government was still discussing the possibility of reinstating all teachers originally dismissed.

62. On issue No. 12, he said that the Government was considering a possible amendment of the Trade Union Act to authorize the establishment of multiple unions in a single workplace, but pointed out that the current prohibition (paras. 100-101 of the report) sought to avoid the conflict that might be caused by uncontrolled proliferation of unions in a labour environment in which a single-trade-union system prevailed.

63. With reference to issue No. 13 and the possibility that the National Security Law restrictions on certain human rights in so far as they might benefit the Democratic People's Republic of Korea could inhibit the enjoyment

of economic, social and cultural rights, it should be noted that article 37, paragraph 2, of the Constitution did allow for certain limited exceptions to the guaranteed freedoms of speech and the press as well as the freedoms of assembly and association, but only when necessary for national security and the maintenance of law and order or for public welfare, and without violating any essential aspect of those freedoms. That clause of the Constitution did not contradict article 4 of the Covenant. The National Security Law had been enacted to regulate subversive activities and the establishment of subversive organizations seeking to overthrow democracy and the parliamentary system by violent revolution, and not to regulate the expression of opinions or the freedom of association of groups demanding greater rights for citizens.

64. Mr. TEXIER observed that clearly progress was needed in connection with article 8 in general, because a number of pertinent ILO conventions (specifically Nos. 87, 98 and 151) had not been ratified and because unduly strict limits were placed on union rights generally and especially on the right to strike.

65. The distinction made between trade unions and teachers' organizations - which in the West were often the most important labour unions - was surprising, whereas a limitation on unionization of persons in public service like the police or of public officials like the judiciary would have been more understandable. He himself did not see why the unionization of teachers should interfere with their freedom to teach, and felt the Confucian concept put forward in paragraph 96 of the report to be an unsatisfactory explanation.

66. The report cited so many restrictions on the right to strike that one must ask whether it even existed in the Republic of Korea. The three reasons for which the right could be restricted (para. 106 of the report) actually amounted to a definition of the normal aims of any strike: strikes necessarily involved economic loss for both management and labour, affected the national economy, and had an effect on persons not directly concerned.

67. According to information received from non-governmental organizations, the national security laws were applied very severely to organized labour, and he would like to know about the accuracy of reports of police brutality in response to a recent peaceable application for reinstatement by 40 workers.

68. He believed that the Government should make a greater effort to expand trade union freedoms, give broader recognition to the right to strike, and use greater caution in qualifying normal demands for improvement of working conditions as "political". The conceptions of public order and political activity should not be applied so broadly that they hampered labour rights.

69. Mr. GRISSA, agreeing with Mr. Texier that no strike could possibly avoid all of the consequences listed as justification for prohibition, said that there appeared to be no right to strike in the Republic of Korea. He was also concerned by the startling drop in the number of labour disputes recorded in 1990 and 1991 (para. 123 of the report). Such a sharp decline was a suspicious indication of a repressive climate in which the labour movement had realized it must sacrifice its own self-interest for the sake of survival.

70. Mr. RATTRAY observed that he too did not understand the implications of the legislation restricting strikes. While recognizing the cultural context of the country's legislation and also the significant advances it had made in economic development, he wondered whether the restrictions imposed on labour were generally consistent with the free-market economy it had established. The country was still in transition to a fully representative Government after a long period of occupation, and he hoped the restrictions were only temporary.

71. He would like information on what remedies were available to those who were denied the right to belong to a trade union, in order to guarantee proper wages and working conditions. He also wondered whether the significant decrease in labour disputes in recent years was evidence that a significant "union-busting" culture had been created, and whether the Government was trying to move away from such a culture. Also, it was not clear what the consequences would be if workers exercised the right to strike, however circumscribed: could an employer, for instance, justify termination of a worker's contract if he went on strike?

72. Mr. AHMED said that he was amazed at the delegation's contention that teachers would endanger national security if they joined a union - especially in view of the fact that employees of public utilities and the defence industry could join a union presumably without posing a threat. Although the Committee had been assured that the Government was thinking of amending its labour laws in response to domestic criticism and ILO advice, it apparently was still persecuting 22 teachers who had been dismissed for joining a union. Such action was not consistent with the spirit of democracy in the Republic of Korea, and he appealed to the delegation to urge its Government to change its policy to one of greater tolerance of labour rights.

73. Mr. CEAUSU, noting that the report (para. 95) gave as a justification for not removing a prohibition against the right to organize the fact that a majority of the people did not support such proposals, asked whether in the Republic of Korea the Government was legally obliged to consult the population to determine if a majority supported a proposed law. The same justification had been cited (paras. 96 and 97) in connection with the prohibition on the unionization of teachers. It was absolutely normal in a democratic society for teachers to want to reorganize the educational system, and they should not be accused of being radical when they did so. The reasoning was reminiscent of the cold-war thinking and vocabulary of the former communist countries in Eastern Europe, with their constant references to the will of the people. The Republic of Korea should look instead to the future. The time had come for the Government to rethink some positions and laws and be more forthright in adapting to the new situation in the country.

The meeting rose at 6.05 p.m.